

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

HOWARD KAPLAN,)
Plaintiff,)
))
))
v.) **CIVIL ACTION NO. 104-CV-10856-MEL**
))
WEND MANAGEMENT, INC.,)
WENDY’S INTERNATIONAL, INC.)
))
Defendants.)
_____)

PLAINTIFF'S ASSENTED-TO MOTION TO EXTEND DEADLINES

The Plaintiff respectfully moves the Court to extend the current deadlines set in the Pre-Trial Scheduling Order entered on April 20, 2005 by 120 days. As reasons for this Motion, the parties are currently engaged in discovery, but the Plaintiff requires an interpreter to be present when he communicates with his attorney. The schedule of the interpreters makes it difficult for the Plaintiff to meet with his attorneys quickly and delays his ability to respond to discovery. Currently, he cannot schedule an interpreter until January 2006. Additionally, the Plaintiff has noticed several depositions which have not yet been taken due to the trial schedule of his counsel. It is unlikely these depositions will be able to be taken until January or February, 2006. Due to these issues, the Plaintiff seeks an additional 120 days to complete discovery. Both parties are working together cooperatively to complete the discovery process. The Defendants assent to the Plaintiff's Motion but are in no way waiving their rights to conduct the discovery they deem necessary to defend themselves in this action once the Plaintiff has provided them with his discovery responses should the Court deny this Motion.

The current deadlines are:

January 13, 2006—Fact discovery

February 10, 2006—Plaintiff to disclose expert discovery

March 14, 2006—Defendant to disclose expert discovery

May 15, 2006—All expert discovery due

June 9, 2006—Filing motions for summary judgment

June 29, 2006 – Filing oppositions for summary judgment

The Plaintiff proposes the following schedule (advanced by 120 days):

May 15, 2006—Fact discovery

June 12, 2006—Plaintiff to disclose expert discovery

July 12, 2006—Defendant to disclose expert discovery

September 12, 2006—All expert discovery due

October 9, 2006—Filing motions for summary judgment

October 27, 2006—Filing oppositions for summary judgment

Respectfully submitted,

HOWARD KAPLAN,

By his attorneys,

s/Rebecca G. Pontikes

Shannon Liss-Riordan, BBO #640716

Rebecca G. Pontikes BBO# 637157

Pyle, Rome, Lichten & Ehrenberg,

Liss-Riordan, P.C.

18 Tremont St., Ste. 500

Boston, MA 02108

(617) 367-7200

Dated: December 9, 2005

CERTIFICATE OF SERVICE

I hereby certify that on December 9, 2005, I caused a copy of this document to be served by first class mail on Mathew Barry, Ryan, Coughlin & Betke, LLP, 175 Federal Street, Boston, MA 02110.

s/Rebecca G. Pontikes